

UTILITY PATENT APPLICATION TRANSMITTAL *Composition and Method of Preparation (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	006630-0391
	First Inventor	GAYSER, Charles W., Jr.
	Title	Dry-Powder Film Coating*
	Express Mail Label No.	EL 914961665 US

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450
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<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)</p> <p>2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification [Total Pages <u>16</u>] (preferred arrangement set forth below) - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure</p> <p>4. <input type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets _____]</p> <p>5. Oath or Declaration [Total Sheets <u>3</u>] a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed) i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</p> <p>6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p>	<p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies</p>
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ACCOMPANYING APPLICATION PARTS	
9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))	
10. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee)	<input type="checkbox"/> Power of Attorney
11. <input type="checkbox"/> English Translation Document (if applicable)	
12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449	<input type="checkbox"/> Copies of IDS Citations
13. <input checked="" type="checkbox"/> Preliminary Amendment <u>3</u> pages	
14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)	
15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)	
16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.	
17. <input type="checkbox"/> Other: _____	

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/656,082

Prior application information: Examiner Humeran Sheikh Art Unit: 1615

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS			
<input checked="" type="checkbox"/> Customer Number:	<u>20572</u>	OR	<input type="checkbox"/> Correspondence address below
Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	
Name (Print/Type)	<u>Charles L. Leeck</u>	Registration No. (Attorney/Agent)	<u>50,343</u>
Signature	<u>[Signature]</u>	Date	<u>11/12/2003</u>

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 856.00)

Complete if Known

Application Number	N/A
Filing Date	11/12/2003
First Named Inventor	GAYSER, Charles W., Jr.
Examiner Name	N/A
Art Unit	N/A
Attorney Docket No.	006630-0391

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number 07-1509

Deposit Account Name Godfrey & Kahn, S.C.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	770
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 770.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
14	-20** = 0	6	0
Independent Claims 4	-3** = 1	86	86
Multiple Dependent			86

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Charles L. Leech	Registration No. (Attorney/Agent)	50,343	Telephone	414-273-3500
Signature		Date	11/12/2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : GAYSER, et. al.
For : DRY-POWDER FILM COATING COMPOSITION AND
METHOD OF PREPARATION
Filed : November 12, 2003
Application No. : Not yet assigned
Examiner : Not yet assigned

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

I hereby certify that this correspondence was deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: 11/12/2003

Ruth Ellen Genac

Name: Ruth Ellen Genac

Remarks under 37 CFR 1.115 accompanying a Continuation Application filed herewith
under 37 CFR 1.53(b)

The nonprovisional patent application filed herewith is a continuation application of Application No. 09/656,082, filed September 6, 2000. A Notice of Allowance, mailed August 22, 2003, was received on that earlier-filed application and Applicant timely paid the Issue Fee on October 1, 2003. The earlier-filed and related application should now proceed to issue in the near future.

During prosecution of related Application No.09/656,082, Applicant conducted a telephone interview with Supervisory Patent Examiner Thurman K. Page (AU 1615) on July 16, 2003. SPE Page suggested that pending claims directed to methods of making dry-powder film forming compositions would be allowable if Applicant amended the claims to set forth the

viscosity range of an aqueous solution formed by the compositions, as manufactured by the steps recited.

Applicants responded with a Supplemental Amendment, mailed July 17, 2003, amending the pending claims in the earlier-filed application substantially as suggested by SPE Page. In the subsequent Statement of Reasons for Allowance, mailed August 22, 2003, the Examiner stated:

The primary reason for allowance of the claims is that the prior art (Signorino US 5,591,455) fails to teach nor fairly suggest a method for making a dry powder film-forming composition which is capable of forming an aqueous solution having a low viscosity ranging from about 75 to about 150 cps when measured by the Brookfield Small Chamber Method (10% w/w in water, USP; Model RVTD; Chamber 13R; Spindle #21; 100 rpm; 23°C) or as recited in applicant's amended claim 13.

In view of the allowance of Applicant's amended claims to *methods of making dry-powder film forming compositions*, Applicant now presents claims directed to dry-powder film forming *compositions* and *methods of using such compositions* in order to obtain the claim coverage Applicant appears due.

Thusly, claims 1-12 in the present application are directed to dry-powder film forming *compositions*, the recited compositions including reference to particular viscosities of aqueous solutions formed by the compositions, in analogous fashion to the claims allowed in the related application discussed above. Claim 13 recites a method of making an aqueous solution using a composition according to claim 1 and, additionally, claim 14 is directed to a method of using the aqueous solution of claim 13 to coat pharmaceutical tablets, food, or confectionary products. Present claims 1-14 are fully-supported by the disclosure of earlier-filed application 09/656,082, including originally-filed claims. No new matter has been presented in the instant application over that disclosed in the earlier-filed, related application.

As such, it is respectfully submitted that claims 1-14 are in condition for allowance and prompt notice of allowance is respectfully requested. Applicant requests that the Examiner telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present application.

Respectfully submitted,

GODFREY & KAHN, S.C.

Dated: Nov. 12, 2003

By: 

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